

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 9, 2008, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, claims 1-3, 5-6 and 8 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,804,918 (Yazawa). Claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yazawa in view of U.S. Patent No. 6,117,529 (Leising). Claim 7 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yazawa in view of U.S. Patent No. 5,003,221 (Shimizu). Further, claims 9-14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yazawa in view of U.S. Patent No. 5,294,870 (Tang). It is respectfully submitted that claims 1-14 are patentable over Yazawa, Shimizu, Leising and Tang for at least the following reasons.

Yazawa is directed to an electroluminescent device having a multiple reflection layer comprising a lower refractive index

insulating layer 31 and a higher refractive index insulating layer 32. As shown in FIG 8 and recited on column 8, lines 52-55, the insulating layer 31 having the lower refractive index is adjoining an electrode 4.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 8, amongst other patentable elements, recites (illustrative emphasis provided):

said stack of $2n + 1$ transparent dielectric layers being arranged adjacent to one of the electrodes and including a dielectric transparent layer having a high refractive index n adjoining said electrode.

A dielectric transparent layer having a high refractive index n adjoining an electrode is nowhere taught or suggested in Yazawa. Rather, Yazawa discloses a layer having a low refractive index adjoining an electrode. Thus, Yazawa teaches away from the present invention as recited in independent claims 1 and 8. Column 5, lines 10-15 of Yazawa merely disclose a single layer of tantalum pentoxide formed on the ITO transparent conductive film. Thus, even if tantalum pentoxide has a high refractive index, this tantalum pentoxide is NOT part of a multilayer stack, but is rather

a single layer. There is simply no disclosure or suggestion in Yazawa of stack of transparent dielectric layers arranged adjacent to one of the electrodes, where the stack includes a dielectric transparent layer having a high refractive index n adjoining the electrode, as recited in independent claims 1 and 8. Shimizu, Leising and Tang are cited to allegedly show other features and do not remedy the deficiencies of Yazawa.

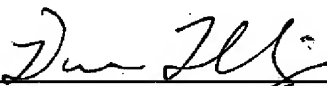
Accordingly, it is respectfully submitted that independent claims 1 and 8 allowable. In addition, claims 2-7 and 9-14 are allowable at least because they depend from independent claims 1 and 8 as well as for the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Final Office Action of July 9, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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